

**Proposed Substitute
Bill No. 5412**

LCO No. 3107

**AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT
OF MOTOR VEHICLES REGARDING HAZARDOUS MATERIALS, CAR
DEALERS, STUDENT TRANSPORTATION VEHICLE OPERATORS,
DIVERSION PROGRAMS AND MOTOR VEHICLE INSPECTORS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) Any person who
2 engages in interstate or intrastate commerce on the highways of this
3 state and transports hazardous materials, as defined in 49 CFR 171.8,
4 as amended from time to time, shall comply with the provisions of 49
5 CFR Parts 105 to 173, inclusive, as amended from time to time, and 49
6 CFR Parts 177 to 180, inclusive, as amended from time to time.

7 (b) Except as otherwise provided in subsection (c) of this section,
8 any person described in subsection (a) of this section who violates any
9 provision of 49 CFR 107.620, as amended from time to time, 49 CFR
10 171, Subpart A, as amended from time to time, 49 CFR 172, as
11 amended from time to time, 49 CFR 173, Subparts A to G, inclusive, as
12 amended from time to time, 49 CFR 177, as amended from time to
13 time, 49 CFR 178, as amended from time to time, or 49 CFR 180, as
14 amended from time to time, shall have committed an infraction.

15 (c) Any person described in subsection (a) of this section who
16 violates any provision of 49 CFR 172.505(a), as amended from time to

17 time, 49 CFR 172.507(a), as amended from time to time, 49 CFR
18 173.24(b), as amended from time to time, or 49 CFR 177.835, as
19 amended from time to time, shall, for a first offense, be guilty of a class
20 D misdemeanor and, for any subsequent offense of the same provision,
21 be guilty of a class A misdemeanor.

22 (d) A motor vehicle inspector, designated under section 14-8 of the
23 general statutes and certified pursuant to section 7-294d of the general
24 statutes, or a state or municipal police officer, shall enforce the
25 provisions of this section, provided such inspector or officer (1) has
26 inspection authority pursuant to section 14-163c-9 of the regulations of
27 Connecticut state agencies, and (2) has satisfactorily completed a
28 course of instruction in specialized hazardous materials provided by
29 the United States Department of Transportation Federal Motor Carrier
30 Safety Administration.

31 Sec. 2. Subsection (c) of section 14-44a of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective July*
33 *1, 2016*):

34 (c) Any person who violates the provisions of subsection (a) of this
35 section shall operate a motor vehicle in violation of the classification of
36 the license issued to [him] such person, and shall be subject to the
37 penalties provided in subsection [(f)] (g) of section 14-36a and section
38 14-44k.

39 Sec. 3. Subsection (a) of section 14-52a of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective July*
41 *1, 2016*):

42 (a) The commissioner may, after notice and hearing, refuse to grant
43 or renew a license to a person, firm or corporation to engage in the
44 business of selling or repairing motor vehicles pursuant to the
45 provisions of section 14-52 if the applicant for or holder of such a
46 license, or an officer or major stockholder if the applicant or licensee is
47 a firm or corporation, has been convicted of a violation of any
48 provision of laws pertaining to the business of a motor vehicle dealer

49 or repairer including a motor vehicle recycler, or of any violation
50 involving fraud, larceny or deprivation or misappropriation of
51 property, in the courts of the United States or of any state. [At the time
52 of application for or renewal of such a license, each applicant or] Each
53 applicant shall submit to a state criminal history records check,
54 conducted in accordance with section 29-17a and based on the
55 applicant's name and date of birth, not more than thirty days before
56 such application is made and provide the results of such records check
57 to the Department of Motor Vehicles. Upon renewal of such license,
58 such licensee shall make full disclosure of any such conviction [within
59 the last five years] under penalty of false statement.

60 Sec. 4. Section 14-54 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective July 1, 2016*):

62 [(a) Any person who desires to obtain a license for dealing in or
63 repairing motor vehicles in a municipality having a population of no
64 less than twenty thousand shall first obtain and present to the
65 commissioner a certificate of approval of the location for which such
66 license is desired from the board or authority designated by local
67 charter, regulation or ordinance of the town, city or borough wherein
68 the business is located or is proposed to be located, except that in any
69 town or city having a zoning commission, combined planning and
70 zoning commission and a board of appeals, such certificate shall be
71 obtained from the zoning commission. The provisions of this section
72 do not apply to (1) a transfer of ownership to a spouse, child, brother,
73 sister or parent of a licensee, (2) a transfer of ownership to or from a
74 corporation in which a spouse, child, brother, sister or parent of a
75 licensee has a controlling interest, or (3) a change in ownership
76 involving the withdrawal of one or more partners from a partnership.]

77 [(b)] Any person who desires to obtain a license for dealing in or
78 repairing motor vehicles [in a municipality with a population of less
79 than twenty thousand] shall first obtain and present to the
80 commissioner a certificate of approval of the location for which such
81 license is desired from the board or authority designated by local

82 charter, regulation or ordinance of the town, city or borough wherein
83 the business is located or is proposed to be located, except that in any
84 town or city having a zoning commission, combined planning and
85 zoning commission and a board of appeals, such certificate shall be
86 approved by the board of appeals. In addition thereto, such certificate
87 shall be approved by the [chief of police where there is an organized
88 police force or, where there is none, by the commander of the state
89 police barracks situated nearest to such proposed location] local
90 building official and local fire marshal. The provisions of this section
91 shall not apply to (1) a transfer of ownership to a spouse, child,
92 brother, sister or parent of a licensee, (2) a transfer of ownership to or
93 from a corporation in which a spouse, child, brother, sister or parent of
94 a licensee has a controlling interest, or (3) a change in ownership
95 involving the withdrawal of one or more partners from a partnership.

96 Sec. 5. Subsection (b) of section 14-61 of the 2016 supplement to the
97 general statutes is repealed and the following is substituted in lieu
98 thereof (*Effective October 1, 2016*):

99 (b) The commissioner [may] shall require any dealer who is
100 authorized to issue a temporary transfer of registration in accordance
101 with subsection (a) of this section or a new registration in accordance
102 with subsection (c) of section 14-12 to file each application for a
103 permanent registration [by electronic transmission of an electronic
104 record] electronically if the commissioner determines that the dealer
105 files, on average, [ten] seven or more such applications for permanent
106 registration each month with the Department of Motor Vehicles. [The
107 provisions of this subsection do not preclude any such dealer from
108 filing an application for a permanent registration in person at any
109 branch office of the department.] Any dealer may make a written
110 request to the commissioner for an exemption from filing such
111 applications electronically due to a hardship, including, but not limited
112 to, a lack of access to a device capable of communicating electronically.
113 The commissioner may enter into an agreement with one or more
114 nonprofit associations or organizations representing the interests of
115 motor vehicle dealers to file such applications electronically on behalf

116 of such dealer. The commissioner may authorize such nonprofit
117 association or organization to charge a convenience fee, in an amount
118 to be determined by the commissioner, to each dealer for an
119 application submitted electronically by such nonprofit association or
120 organization.

121 Sec. 6. Subsection (g) of section 14-227b of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective July*
123 *1, 2016*):

124 (g) If such person contacts the department to schedule a hearing, the
125 department shall assign a date, time and place for the hearing, which
126 date shall be prior to the effective date of the suspension, except that,
127 with respect to a person whose operator's license or nonresident
128 operating privilege is suspended in accordance with subdivision (2) of
129 subsection (e) of this section, such hearing shall be scheduled not later
130 than thirty days after such person contacts the department. At the
131 request of such person, [or] the hearing officer or the department and
132 upon a showing of good cause, the commissioner may grant one or
133 more continuances. The hearing shall be limited to a determination of
134 the following issues: (1) Did the police officer have probable cause to
135 arrest the person for operating a motor vehicle while under the
136 influence of intoxicating liquor or any drug or both; (2) was such
137 person placed under arrest; (3) did such person refuse to submit to
138 such test or analysis or did such person submit to such test or analysis,
139 commenced within two hours of the time of operation, and the results
140 of such test or analysis indicated that such person had an elevated
141 blood alcohol content; and (4) was such person operating the motor
142 vehicle. In the hearing, the results of the test or analysis shall be
143 sufficient to indicate the ratio of alcohol in the blood of such person at
144 the time of operation, provided such test was commenced within two
145 hours of the time of operation. The fees of any witness summoned to
146 appear at the hearing shall be the same as provided by the general
147 statutes for witnesses in criminal cases. Notwithstanding the
148 provisions of subsection (a) of section 52-143, any subpoena
149 summoning a police officer as a witness shall be served not less than

150 seventy-two hours prior to the designated time of the hearing.

151 Sec. 7. Subsection (j) of section 14-227b of the general statutes is
152 repealed and the following is substituted in lieu thereof (*Effective July*
153 *1, 2016*):

154 (j) Notwithstanding the provisions of subsections (b) to (i),
155 inclusive, of this section, any police officer who obtains the results of a
156 chemical analysis of a blood sample taken from or a urine sample
157 provided by an operator of a motor vehicle involved in an [accident]
158 incident who suffered or allegedly suffered physical injury in such
159 [accident,] incident or [is] was otherwise deemed by a police officer to
160 require treatment or observation at a hospital, shall notify the
161 Commissioner of Motor Vehicles and submit to the commissioner a
162 written report if such results indicate that such person had an elevated
163 blood alcohol content, and if such person was arrested for violation of
164 section 14-227a in connection with such [accident] incident. The report
165 shall be made on a form approved by the commissioner containing
166 such information as the commissioner prescribes, and shall be
167 subscribed and sworn to under penalty of false statement, as provided
168 in section 53a-157b, by the police officer. The commissioner may, after
169 notice and an opportunity for hearing, which shall be conducted by a
170 hearing officer on behalf of the commissioner in accordance with
171 chapter 54, suspend the motor vehicle operator's license or nonresident
172 operating privilege of such person for the appropriate period of time
173 specified in subsection (i) of this section and require such person to
174 install and maintain an ignition interlock device for the appropriate
175 period of time prescribed in subsection (i) of this section. Each hearing
176 conducted under this subsection shall be limited to a determination of
177 the following issues: (1) Whether the police officer had probable cause
178 to arrest the person for operating a motor vehicle while under the
179 influence of intoxicating liquor or drug or both; (2) whether such
180 person was placed under arrest; (3) whether such person was
181 operating the motor vehicle; (4) whether the results of the analysis of
182 the blood or urine of such person indicate that such person had an
183 elevated blood alcohol content; and (5) in the event that a blood

184 sample was taken, whether the blood sample was obtained in
185 accordance with conditions for admissibility and competence as
186 evidence as set forth in subsection (k) of section 14-227a. If, after such
187 hearing, the commissioner finds on any one of the said issues in the
188 negative, the commissioner shall not impose a suspension. The fees of
189 any witness summoned to appear at the hearing shall be the same as
190 provided by the general statutes for witnesses in criminal cases, as
191 provided in section 52-260.

192 Sec. 8. Section 14-227k of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective July 1, 2016*):

194 (a) No person whose right to operate a motor vehicle has been
195 restricted pursuant to an order of the court under subsection (b) of
196 section 14-227j, ~~or~~ by the Commissioner of Motor Vehicles [pursuant
197 to subsection (i) of section 14-227a or subsection (i) of section 14-111] or
198 by any provision of law that requires the use of an ignition interlock
199 device shall (1) request or solicit another person to blow into an
200 ignition interlock device or to start a motor vehicle equipped with an
201 ignition interlock device for the purpose of providing such person with
202 an operable motor vehicle, or (2) operate any motor vehicle not
203 equipped with a functioning ignition interlock device or any motor
204 vehicle that a court has ordered such person not to operate.

205 (b) No person shall tamper with, alter or bypass the operation of an
206 ignition interlock device for the purpose of providing an operable
207 motor vehicle to a person whose right to operate a motor vehicle has
208 been restricted pursuant to an order of the court under subsection (b)
209 of section 14-227j, ~~or~~ by the Commissioner of Motor Vehicles
210 [pursuant to subsection (i) of section 14-227a or subsection (i) of section
211 14-111] or by any provision of law that requires the use of an ignition
212 interlock device.

213 (c) (1) Any person who violates any provision of subdivision (1) of
214 subsection (a) or subsection (b) of this section shall be guilty of a class
215 C misdemeanor.

216 (2) Any person who violates any provision of subdivision (2) of
217 subsection (a) of this section shall be subject to the penalties set forth in
218 subsection (c) of section 14-215.

219 (d) Each court shall report each conviction under subsection (a) or
220 (b) of this section to the Commissioner of Motor Vehicles, in
221 accordance with the provisions of section 14-141. The commissioner
222 shall suspend the motor vehicle operator's license or nonresident
223 operating privilege of the person reported as convicted for a period of
224 one year.

225 Sec. 9. Subsection (b) of section 14-275c of the general statutes is
226 repealed and the following is substituted in lieu thereof (*Effective July*
227 *1, 2016*):

228 (b) The commissioner shall adopt regulations, in accordance with
229 the provisions of chapter 54, governing (1) the inspection, registration,
230 operation and maintenance of motor vehicles used by any carrier to
231 transport students, and (2) the licensing of operators of such vehicles.
232 A person who has attained the age of seventy shall be allowed to hold
233 a license endorsement for the purpose of operating a motor vehicle to
234 transport children requiring special education provided such person
235 meets the minimum physical requirements set by the commissioner
236 and agrees to submit to a physical examination by a medical examiner,
237 certified in accordance with 49 CFR 390.109, at least [twice a year or
238 when] annually or more frequently if requested to do so by such
239 medical examiner or the superintendent of the school system in which
240 such person intends to operate such vehicle.

241 Sec. 10. Subsection (a) of section 17a-696 of the general statutes is
242 repealed and the following is substituted in lieu thereof (*Effective*
243 *October 1, 2016*):

244 (a) The provisions of this section shall not apply to any person
245 charged with a violation of section 14-227a, 14-227g, 53a-56b or 53a-
246 60d or with a class A, B or C felony or to any person who was twice
247 previously ordered treated under this section, subsection (i) of section

248 17-155y, section 19a-386 or section 21a-284 of the general statutes
249 revised to 1989, or any combination thereof. The court may waive the
250 ineligibility provisions of this subsection for any person, except that
251 the court shall not waive the ineligibility provisions of this subsection
252 for any person charged with a violation of section 14-227a, 14-227g,
253 53a-56b or 53a-60d if, at the time of the offense, such person was
254 operating a commercial vehicle, as defined in section 14-1, or held a
255 commercial driver's license or a commercial driver's instruction
256 permit.

257 Sec. 11. Subsection (b) of section 53a-217b of the general statutes is
258 repealed and the following is substituted in lieu thereof (*Effective*
259 *October 1, 2016*):

260 (b) The provisions of subsection (a) of this section shall not apply to
261 the otherwise lawful possession of a firearm (1) by a person for use in a
262 program approved by school officials in or on such school property or
263 at such school-sponsored activity, (2) by a person in accordance with
264 an agreement entered into between school officials and such person or
265 such person's employer, (3) by a peace officer, as defined in
266 subdivision (9) of section 53a-3, while engaged in the performance of
267 such peace officer's official duties, [or] (4) by a person while traversing
268 such school property for the purpose of gaining access to public or
269 private lands open to hunting or for other lawful purposes, provided
270 such firearm is not loaded and the entry on such school property is
271 permitted by the local or regional board of education, or (5) by a motor
272 vehicle inspector, designated under section 14-8 and certified pursuant
273 to section 7-294d, while engaged in the performance of such motor
274 vehicle inspector's official duties.

275 Sec. 12. (NEW) (*Effective from passage*) (a) Commencing January 15,
276 2017, and annually thereafter, the Department of Motor Vehicles shall
277 submit a report, in accordance with the provisions of section 11-4a of
278 the general statutes, to the joint standing committee of the General
279 Assembly having cognizance of matters relating to transportation.
280 Such annual report shall (1) identify specific goals indicating

281 acceptable waiting times at the main office and branch offices of the
282 department, (2) summarize actions undertaken by the department in
283 the previous year to achieve such goals, and (3) include a strategy to
284 achieve or exceed such goals in the upcoming year. The joint standing
285 committee may hold a public hearing on such report not later than
286 thirty days after receipt of such report. The Commissioner of Motor
287 Vehicles, or the commissioner's designee, shall testify at any such
288 public hearing.

289 (b) Commencing August 15, 2016, and monthly thereafter, the
290 Department of Motor Vehicles shall submit a report, in accordance
291 with the provisions of section 11-4a of the general statutes, to the joint
292 standing committee of the General Assembly having cognizance of
293 matters relating to transportation on the length of waiting times at the
294 main office and branch offices of the department. Such report shall
295 include the following information for the month prior to the month in
296 which the report is submitted: (1) For the main office and each branch
297 office of the department that utilizes a numbered ticketing system, (A)
298 the average time that elapses from the point at which a person receives
299 a numbered ticket to the time such person receives customer service,
300 (B) whether the average waiting time decreased or increased from the
301 previous reporting period, and (C) the number of transactions
302 conducted at such offices that could have been conducted on the
303 Internet web site of the department; and (2) the number of transactions
304 conducted on the Internet web site of the department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	14-44a(c)
Sec. 3	<i>July 1, 2016</i>	14-52a(a)
Sec. 4	<i>July 1, 2016</i>	14-54
Sec. 5	<i>October 1, 2016</i>	14-61(b)
Sec. 6	<i>July 1, 2016</i>	14-227b(g)
Sec. 7	<i>July 1, 2016</i>	14-227b(j)
Sec. 8	<i>July 1, 2016</i>	14-227k
Sec. 9	<i>July 1, 2016</i>	14-275c(b)

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Sec. 10	<i>October 1, 2016</i>	17a-696(a)
Sec. 11	<i>October 1, 2016</i>	53a-217b(b)
Sec. 12	<i>from passage</i>	New section